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MISOOK KIM

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MOOG INC.,

Plaintiff,

v.

SKYRYSE, INC., et al.,

Defendants.

CASE NO. 2:22-cv-09094-GW-MAR

**DECLARATION OF GRANT B.
GELBERG IN SUPPORT OF
DEFENDANTS MISOOK KIM AND
ALIN PILKINGTON'S JOINDER IN
SKYRYSE, INC.'S MOTION TO
STAY**

*[Joinder and Declaration of Rachel Fiset
filed concurrently herewith]*

The Honorable George H. Wu

Hearing Date: April 13, 2014

Time: 8:30 a.m.

Courtroom: 9D

DECLARATION OF GRANT B. GELBERG

I, Grant B. Gelberg, hereby declare:

1. I am a partner of the law firm Halpern May Ybarra Gelberg LLP, counsel for Defendant Misook Kim (“Ms. Kim”) in this action. I have sufficient personal knowledge of the facts set forth herein that if called as a witness I could and would testify competently to those facts under oath. I submit this declaration in support of Defendants Kim and Alin Pilkington’s (“Pilkington,” collectively “Individual Defendants”) Notice of Joinder and Joinder in Skyrise, Inc.’s Motion to Stay.

2. Attached hereto as **Exhibit 1** is a true and correct copy of the Grand Jury subpoena dated June 10, 2022 seeking documents from Ms. Kim.

3. On July 5, 2022, I participated in a telephone call with FBI Special Agent Robert Shaw (“SA Shaw”) and Assistant United States Attorney Reema El-Amamy (“AUSA El-Amamy”) during which they told me that the scope of the government’s criminal investigation was very similar to the civil complaint in this case and referred me to the civil complaint for more information. Following these discussions, the Individual Defendants invoked their respective Fifth Amendment rights in response to a Grand Jury subpoena.

4. Attached hereto as **Exhibit 2** is a true and correct copy of a November 7, 2022 email I received from AUSA El-Amamy which states, “I’ve produced to you some pre-indictment discovery so that you can get a sense of the government’s criminal investigation. This pre-indictment discovery, combined with the civil litigation in WDNY, should give you a good sense of the government’s investigation and potential charges.”

5. On November 7, 2022, I received a second email from AUSA El-Amamy and a Word document attachment. The Word document appears to have been assembled by the U.S. Attorney’s Office and/or the FBI based on documents obtained from Moog and other sources. This document makes reference to an Excel table from Moog that purports to list Moog files allegedly downloaded by Ms. Kim.

6. After reviewing the files produced by Moog in civil discovery, it is clear that Moog and the FBI are coordinating on a number of fronts including, but not limited to, the status of filings in this action, Moog's own forensic investigation of the Individual Defendants' alleged downloads, summaries of information Moog's counsel received from Defendants, and a timeline Moog created in conjunction with the drafting of the Complaint, among others. During my review, I also read emails between the FBI and Moog in which the FBI sent Moog lists of questions to answer, requested information related to hard drives purportedly connected to Ms. Kim, and sought to interview Moog employees.

7. Attached hereto as **Exhibit 3** is a true and correct copy of the Grand Jury subpoena received by iDiscovery Solutions dated February 27, 2023.

8. Attached hereto as **Exhibit 4** is a true and correct copy of an email chain from an FBI agent transmitting the government's Request for Preservation of Records (Misook Kim) on March 7, 2023. The email described the preservation letter as "related to the Moog v. Skyrise suit."

9. After review of the Request for Preservation of Records (Misook Kim) attached to Exhibit 4 and a spreadsheet of devices maintained by iDS, I determined the two documents cover the same electronic devices.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed at Pasadena, California, on March 16, 2023.



GRANT B. GELBERG

EXHIBIT 1



United States Department of Justice

United States Attorney's Office Central District of California

Reema M. El-Amamy
Phone: (213) 894-0552
E-mail: Reema.El-Amamy@usdoj.gov

1500 United States Courthouse
312 North Spring Street
Los Angeles, California 90012

June 10, 2022

Misook Kim

Re: Federal Grand Jury Subpoena

Dear Sir or Madam:

The enclosed subpoena has been issued in connection with an official criminal investigation being conducted by the Federal Bureau of Investigation. The subpoena requires that a custodian of records from your business appear before the grand jury and produce the records described in the subpoena on the date and at the time specified on the subpoena.

As a convenience to you, you can produce the demanded documents by mail or in person to Special Agent Robert Shaw of the Federal Bureau of Investigation, who will deliver the requested documents to the grand jury. If you would like to do so in order to avoid a personal appearance, you must (a) deliver or mail the documents so that they are received in advance of the date specified on the subpoena; and (b) have an appropriate custodian of records from your business fill in the declaration enclosed with this letter. Unless you comply with both of those requirements, a custodian of records must appear in person to produce the documents. If you choose to mail the records, please send them to the following address:

Special Agent Robert Shaw
Federal Bureau of Investigation
11000 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90024

Please ensure that any electronically stored information complies with the production specifications in the attached document. Please do not deliver or mail any of the subpoenaed documents to the United States Attorney's Office.

In any correspondence with our Office regarding production of materials or reimbursement of costs, it is important that you include the unique subpoena identifying number. That number is listed as either the Call Number, found on the bottom right of the subpoena, or the Tracking Number, found on the top left of the OBD- 211 invoice.

Because this subpoena relates to an ongoing criminal investigation, we request that you not disclose the existence of or compliance with the subpoena. Premature disclosure could

Misook Kim
RE: Federal Grand Jury Subpoena
June 10, 2022
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impede the investigation. We request that you give us advance notice if you plan to disclose the existence of or compliance with the subpoena.

If you have any other questions regarding compliance with this subpoena, please call me at (213) 894-0552 or Special Agent Robert Shaw at (310) 996-5108.

Very truly yours,



Reema M. El-Amamy
Assistant United States Attorney

Enc.

AO 110 (Rev. 06/09) Subpoena to Testify Before a Grand Jury

UNITED STATES DISTRICT COURT

for the
CENTRAL DISTRICT OF CALIFORNIA

TO: Misook Kim

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

SUBPOENA FOR:

☐ Person

☒ Document(s) or Object(s)

YOU ARE COMMANDED to appear in this United States District Court at the time, date, and place shown below to testify before the Court's Grand Jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

PLACE:	COURTROOM:
ROYBAL FEDERAL BUILDING 255 EAST TEMPLE STREET LOS ANGELES, CALIFORNIA 90012	Room 650, 6th Floor
	DATE AND TIME:
	June 24, 2022 at 9:00 AM

☒ You must also bring with you the following documents, electronically stored information, or objects:

See Attachment

CLERK OF COURT:

Kiry K. Gray

By Kiry K. Gray, Clerk of the Court



DATE:

June 10, 2022

This subpoena is issued on application
of the United States of America

TRACY L. WILKISON
United States Attorney

Reema M. El-Amamy
Assistant United States Attorney
1500 United States Courthouse
312 North Spring Street
Los Angeles, California 90012
Telephone: (213) 894-0552 Call# R 22 09332

Special Agent: Robert Shaw
Telephone: (310) 996-5108
rshaw3@fbi.gov

Note: An agent of the Federal Bureau of Investigation will deliver the above-mentioned document(s) or object(s) to the Grand Jury should you desire to volunteer them to the Grand Jury in advance of the date indicated above.

ATTACHMENT TO GRAND JURY SUBPOENA

1. Any records, documents, or materials related to your employment with SKYRYSE, including communications (exchanges kept in any form, whether written, electronic, e-mail, text, WhatsApp message, Signal message, telephone, or other) to and from SKYRYSE regarding your employment, any and all available personnel records such as employment and/or contractor applications, training, security compliance, performance records, non-disclosure agreements, instruction for work to be performed, and any and all supporting documents for payments, including contracts, check information, wire transfer records, instructions for payment, and communications to and from SKYRYSE regarding payment information;
2. Any records, documents, or materials related to MOOG INC projects and communications (exchanges kept in any form, whether written, electronic, e-mail, text, WhatsApp message, Signal message, telephone, or other) about MOOG INC projects, including, but not limited to the following MOOG INC projects: PLATFORM, ERTOS, AMP, BOOTLOADER, MDTE, DAKOTA, RAVEN, MDTE, NEO, and V280;
3. Any records, documents, or materials related to communications (exchanges kept in any form, whether written, electronic, e-mail, text, WhatsApp message, Signal message, telephone, or other) with current and former SKYRYSE employees, including, but not limited to: ROBERT PILKINGTON, SATHYA ACHAR, JEFF BECKER, DEBRA MORISIE, ERIC CHUNG, LAWRENCE CHOW, GONZALO REY, TIM BAPTIST, MARK GRODEN, LIISA BISHOP, DAVID TEARSE, AND REID REITHEL.

PRIVILEGES

If a document demanded by this subpoena is withheld under a claim of privilege, or is otherwise withheld, provide the following information regarding the record: (1) its date; (2) the name and title of its author(s); (3) the name and title of each person to whom it was addressed, distributed and disclosed; (4) the number of pages; (5) an identification of any attachments or appendices; (6) a description of its subject matter; (7) its present location and the name of its present custodian; (8) the paragraph of this subpoena to which it is responsive; and (9) the nature of the claimed privilege or other reason the document is withheld.

Please direct all inquiries regarding this subpoena to:

**SA Robert Shaw
Federal Bureau of Investigation
11000 Wilshire Boulevard, Suite 1700
Los Angeles, CA 90024
Telephone: 310-996-5108
Email: rshaw3@fbi.gov**

DECLARATION OF CUSTODIAN CERTIFYING BUSINESS RECORD

I, _____, hereby declare as follows:
(name)

1. I am a duly authorized custodian of records for _____ (the "Business Entity"). In that capacity, I am
(name of business entity)
knowledgeable about the matters set forth herein and I am qualified
and authorized to make this declaration.

a. My job title/position is:

b. I have been employed in this capacity for

_____ and by the Business Entity for _____.
(duration) (duration)

c. My job duties are:

d. I am knowledgeable about the matters set forth herein and the relevant record-keeping practices of the Business Entity based upon (check all that apply):

- [] Training.
- [] Familiarity with relevant policy/policies.
- [] Hands-on experience.
- [] Supervision of one or more others with hands-on experience.
- [] Other. Describe:

2. Attached hereto or enclosed herewith are *originals/true and correct duplicates* of a record or records of a regularly conducted activity of the Business Entity named above.

(Circle either "originals" or "true and correct duplicates" and strike out the other term.)

3. I certify that the attached record(s):

a. was/were made at or near the time of the occurrence of the matters set forth therein,

b. was/were made by, or from information transmitted by, a person with knowledge of those matters;

c. was/were kept in the course of the regularly conducted activity of the Business Entity;

d. was/were made by and in the course of the regularly conducted activity as a regular practice;

e. if not original records, are exact duplicates of original records.

I declare under penalty of perjury that the foregoing is true and correct. This declaration is executed at _____, (place document was signed) on _____.

(date document was signed)

(signature)

(typed or printed name)

Specifications for Production of ESI and Digitized Images

This document describes the technical requirements for the collection and production of paper and electronically stored information ("ESI"). Careful consideration should be given to the methodology, implementation and documentation of ESI collection to ensure that all responsive data and metadata are preserved in the collection process.

1. Specification Modifications

Any modifications or deviations from these Specifications may be done only with the express permission of the subpoena issuer. Any responsive data or documents that exist in locations or native forms not discussed in these Specifications remain responsive and, therefore, arrangements should be made with the subpoena issuer to facilitate their production.

2. Production Format of ESI and Imaged Hard Copy

Responsive ESI and imaged hard copy shall be produced in the format outlined below. All ESI, except as outlined below in sections 9-19, shall be rendered to type TIFF image format and accompanied by a document review platform cross reference file as set forth in section 2(b) below. All applicable metadata (see section 3 below) shall be extracted and provided in a standard document review platform load file format as set forth in section 2(c) below.

- a. **Image File Format:** All images, paper documents scanned to images, or rendered ESI shall be produced as fully searchable 300 dpi single-page TIFF files, CCITT Group IV (2D Compression). Documents should be uniquely and sequentially Bates numbered with an endorsement burned into each image.
 - All TIFF file names shall include the unique Bates number burned into the image.
 - Each Bates number shall be a standard length of eight or more digits, include leading zeros in the number, and be unique for each produced page.
 - All TIFF image files shall be stored with the "*.TIF" extension.
 - Images shall be OCR'd using a standard COTS products.
 - All pages of a document or all pages of a collection of documents that comprise a folder or other logical grouping, including a box, shall be delivered on a single piece of media.
 - No image folder shall contain more than 10,000 images.
 - The entire file path, including the complete file name, shall not exceed 175 characters.
- b. **Document Review Platform Cross Reference file:** Images should be accompanied by an Image Cross Reference file that associates each Bates number with its corresponding single-page TIFF image file. The Cross Reference file should also contain the image file path for each Bates numbered page. Image Cross Reference Sample Format:

```
IM,ABC00000001,D,0,@VOL_001;IMAGES\00\001; ABC00000001.tif;2,0
IM,ABC00000001,D,0,@VOL_001;IMAGES\00\001; ABC00000001.tif;2,0
IM,ABC00000001,C,0,@VOL_001;IMAGES\00\001; ABC00000001.tif;2,0
IM,ABC00000001, ,0,@VOL_001;IMAGES\00\001; ABC00000001.tif;2,0
IM,ABC00000001, ,0,@VOL_001;IMAGES\00\001; ABC00000001.tif;2,0
IM,ABC00000001,D,0,@VOL_001;IMAGES\00\001; ABC00000001.tif;2,0
```

- c. **Document Review Platform Load File:** Images should also be accompanied by a "text load file" containing delimited text that will populate fields in a searchable, flat database environment. The file should contain the required fields listed below in section 3.
 - ASCII text delimited load files are defined using the following delimiters:

<i>Field Separator</i>	¶	<i>or Code 020</i>
<i>Text Qualifier</i>	b	<i>or Code 254</i>
<i>Substitute Carriage Return or New Line</i>	®	<i>or Code 174</i>
 - The text file should also contain hyperlinks to applicable native files, such as Excel, PowerPoint, audio, or video files.
 - There should be one line for every record in a collection.
 - The load file must contain a field map/key listing the metadata/database fields in the order they appear within the data file. For example, if the data file consists of a First Page of a Record (starting Bates), Last Page of a Record (ending Bates), Document ID, Document Date, File Name, and a Title, then the structure may appear as follows:

Specifications for Production of ESI and Digitized Images

pbEGDOCpbENDDOCpbDOCIDpbDOCDATEpbFILENAMEpbTITLEp

- The extracted/OCR text for each document should be provided as a separate single text file. The file name should match the BEGDOC# or DOCID for that specific record and be accompanied by the *.TXT extension.
- Text files shall not be provided in the same folder as the TIFF images.

3. Required Metadata/Database Fields

The metadata of ESI should be extracted and provided in a *.DAT file using the field definitions and formatting described below:

- A "✓" denotes that the indicated field should be present in the load file produced.
- "Other ESI" includes non-e-mail or hard copy documents, including but not limited to data discussed in sections 6-9 and 12-19 below.

Field name	Field Description	Field Type	Field Value	Hard Copy	E-Mail	Other ESI
COMPANY	Company/Organization submitting data	Full Text	Unlimited	✓	✓	✓
BOX#	Submission/volume/box number	Note Text	10	✓	✓	✓
CUSTODIAN	Custodian(s)/Source(s) [Format: Last, First or ABC Dept.]	Multi-Entry	Unlimited	✓	✓	✓
AUTHOR	Creator of the document	Note Text	160			✓
BEGDOC#	Start Bates (including prefix) - No spaces	Note Text	60	✓	✓	✓
ENDDOC#	End Bates (including prefix) - No spaces	Note Text	60	✓	✓	✓
DOCID	Unique document Bates number or populate with the same value as Start Bates (DOCID = BEGDOC#)	Note Text	60	✓	✓	✓
PGCOUNT	Page Count	Integer	10	✓	✓	✓
PARENTID	Parent's DOCID or Parent's Start Bates (for EVERY document including all Child documents)	Note Text	60	✓	✓	✓
ATTACHIDs	Child document list; Child DOCID or Child Start Bates	Multi-Entry	60	✓	✓	✓
ATTACHLIST	List of Attachment Bates numbers	Multi-Entry	Unlimited		✓	✓
BEGATTACH	Start Bates of first attachment	Note Text	60	✓	✓	✓
ENDATTACH	End Bates of last attachment	Note Text	60	✓	✓	✓
PROPERTIES	Privilege notations (e.g., Redacted, Document Withheld Based on Privilege)	Multi-Entry	Unlimited	✓	✓	✓
RECORD TYPE	File, E-mail, Attachment, or Hard Copy	Note Text	60	✓	✓	✓
FROM	Author [Format: Last name, First name]	Note Text	160		✓	✓
TO	Recipient [Format: Last name, First name]	Multi-Entry	Unlimited		✓	✓
CC	Carbon Copy Recipients [Format: Last name, First name]	Multi-Entry	Unlimited		✓	✓
BCC	Blind Carbon Copy Recipients [Format: Last name, First name]	Multi-Entry	Unlimited		✓	✓

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Field name	Field Description	Field Type	Field Value	Hard Copy	E-Mail	Other ESI
SUBJECT	Subject/Document Title	Note Text	Unlimited		✓	✓
CONVINDEX	E-mail system ID used to track replies, forwards, etc.	Note Text	Unlimited		✓	
DOCDATE	Document Date/Date Sent [Format: YYYY/MM/DD]	Date Keyed	YYYY/MM/DD			✓
BODY	E-mail body, Other Electronic Document Extracted text, or OCR	Full Text	Unlimited	✓	✓	✓
TIMESENT	Time e-mail was sent	Time	10		✓	
DATECRTD	Date Created	Date	YYYY/MM/DD		✓	✓
DATESVD	Date Saved	Date	YYYY/MM/DD		✓	✓
DATEMOD	Date Last Modified	Date Keyed	YYYY/MM/DD		✓	✓
DATERCVD	Date Received	Date	YYYY/MM/DD		✓	
DATEACCD	Date Accessed	Date	YYYY/MM/DD		✓	✓
FILESIZE	File Size	Note Text	10			✓
FILENAME	File name - name of file as it appeared in its original location	Full Text	Unlimited			✓
APPLICATION	Application used to create native file (e.g., Excel, Outlook, Word)	Note Text	160		✓	✓
FILE EXTENSION	Extension for the file (e.g., *.DOCX; *.XLS)	Note Text	10		✓	✓
FILEPATH	Data's original source full folder path	Full Text	Unlimited		✓	✓
NATIVELINK	Current file path location to the native file	Full Text	Unlimited		✓	✓
FOLDERID	E-mail folder path (e.g., Inbox\Active) or Hard Copy container information (e.g., Folder or binder name)	Full Text	Unlimited	✓	✓	
PARAGRAPH	Subpoena/request paragraph number to which the document is responsive	Multi-Entry	Unlimited	✓	✓	✓
HASH	Hash value (used for deduplication or other processing) (e-mail hash values must be run with the e-mail and all of its attachments)	Note Text	Unlimited		✓	✓
MESSAGEHEADER	E-mail header. Can contain IP address	Full Text	Unlimited		✓	
ATTACHMCOUNT	Number of attachments to an e-mail	Note Text	10		✓	
FILETYPE	Identifies the application that created the file	Note Text	160		✓	✓
COMMENTS	Identifies whether the document has comments associated with it	Note Text	10		✓	✓

4. **De-duplication, Near-Duplicate Identification, E-mail Conversation Threading, and Other Culling Procedures**
De-duplication of exact copies within a custodian's data may be done, but all "filepaths" must be provided for each duplicate document. The recipient shall not use any other procedure to cull, filter, group, separate or de-duplicate

Specifications for Production of ESI and Digitized Images

(i.e., reduce the volume of) responsive material before discussing with and obtaining the written approval of the subpoena issuer. All objective coding (e.g., near dupe ID or e-mail thread ID) shall be discussed and produced to the subpoena issuer as additional metadata fields.

5. Hidden Text

All hidden text (e.g., track changes, hidden columns, mark-ups, notes) shall be expanded and rendered in the image file. For files that cannot be expanded the native files shall be produced with the image file.

6. Embedded Files

All non-graphic embedded objects (e.g., Word documents, Excel spreadsheets, *.WAV files) that are found within a file shall be extracted and produced. For purposes of production the embedded files shall be treated as attachments to the original file, with the parent/child relationship preserved.

7. Image-Only Files

All image-only files (i.e., non-searchable PDFs, multi-page TIFFs, Snipping Tool and other screenshots, as well as all other images that contain text) shall be produced with associated OCR text and metadata/database fields identified in section 3 for "Other ESI."

8. Hard Copy Records

- a. All hard copy material shall reflect accurate document unitization including all attachments and container information (to be reflected in the PARENTID, ATTACHID, BEGATTACH, ENDATTACH and FOLDERID). Unitization in this context refers to identifying and marking the boundaries of documents within the collection, where a document is defined as the smallest physical fastened unit within a bundle (e.g., staples, paper clips, rubber bands, folders, or tabs in a binder). The first document in the collection represents the parent document and all other documents represent the children.
- b. All documents shall be produced in black and white TIFF format unless the image requires color. An image "requires color" when color in the document adds emphasis to information in the document or is itself information that would not be readily apparent on the face of a black and white image. Images identified as requiring color shall be produced as color 300 dpi single-page JPEG files.
- c. All objective coding (e.g., document date or document author) should be discussed and produced to the subpoena issuer as additional metadata/database fields.

9. Production of Spreadsheets and Presentation Files

All spreadsheet and presentation files (e.g., Excel, PowerPoint) shall be produced in the unprocessed "as kept in the ordinary course of business" state (i.e., in native format). See section 18 below. The file produced should maintain the integrity of all source, custodian, application, embedded and related file system metadata. No alteration shall be made to file names or extensions for responsive native electronic files.

10. Production of E-mail Repositories

E-mail repositories, also known as e-mail databases (e.g., Outlook *.PST, Lotus *.NSF), can contain a variety of items, including: messages, calendars, contacts, tasks. For purposes of production, responsive items shall include the "E-mail" metadata/database fields outlined in section 3, including but not limited to all parent items (mail, calendar, contacts, tasks, notes, etc.) and child files (attachments of files to e-mail or other items) with the parent/child relationship preserved. E-mail databases from operating systems other than Microsoft Exchange shall be produced after consultation with and written consent of the subpoena issuer about the format for the production of such databases.

11. Production of Items Originally Generated in E-Mail Repositories But Found and Collected Outside of E-mail Repositories, i.e., "Stand-alone" Items

Any parent e-mail or other parent items (e.g., calendar, contacts, tasks, notes) found and collected outside of e-mail repositories (e.g., items having extensions like *.MSG, *.HTM, *.MHT), shall be produced items with the "E-mail" metadata fields outlined in section 3, including but not limited to any attachments, maintaining the family (parent/child) relationship.

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12. **Production of Instant Messenger (IM), Voicemail Data, Audio Data, Video Data, etc.**
The responding party shall identify, collect, and produce any and all data which is responsive to the requests which may be stored in audio or video recordings, cell phone/PDA/Blackberry/smart phone data, tablet data, voicemail messaging data, instant messaging, text messaging, conference call data, video/audio conferencing (e.g., GoTo Meeting, WebEx), and related/similar technologies. However, such data, logs, metadata or other files related thereto, as well as other less common but similar data types, shall be produced after consultation with and written consent of the subpoena issuer about the format for the production of such data.
13. **Social Media**
Prior to any production of responsive data from social media (e.g., Twitter, Facebook, Google+, LinkedIn) the producing party shall first discuss with the subpoena issuer the potential export formats before collecting the information.
14. **Productions of Structured Data**
Prior to any production of responsive data from a structured database (e.g., Oracle, SAP, SQL, MySQL, QuickBooks), the producing party shall first provide the database dictionary and a list of all reports that can be generated from the structured database. The list of reports shall be provided in native Excel (*.XLS) format.
15. **Productions of Structured Data from Proprietary Applications**
Prior to any production of structured data from proprietary applications (e.g., proprietary timekeeping, accounting, sales rep call notes, CRMs, SharePoint) the producing party shall first provide the database dictionary and a list of all reports that can be generated from the structured database. The list of reports shall be produced in native Excel (*.XLS) format.
16. **Production of Photographs with Native File or Digitized ESI**
Photographs shall be produced as single-page JPEG files with a resolution equivalent to the original image as it was captured/created. All JPEG files shall have extracted metadata/database fields provided in a standard document review platform load file format as outlined in section 3 for "Other ESI."
17. **Images from which Text Cannot be OCR Converted**
An exception report shall be provided when limitations of paper digitization software/hardware or attribute conversion do not allow for OCR text conversion of certain images. The report shall include the electronic Bates, Document ID or Bates number(s) corresponding to each such image.
18. **Format of ESI from Non-PC or Non-Windows-based Systems**
If responsive ESI is in non-PC or non-Windows-based Systems (e.g., Apple, IBM mainframes, UNIX machines), the ESI shall be produced after discussion with and written consent of the subpoena issuer about the format for the production of such data.
19. **Production of Native Files (When Applicable Pursuant to These Specifications)**
Productions of native files as called for in these Specifications shall have extracted metadata/database fields provided in the standard document review platform load file format as defined in the field specifications for "Other ESI" as outlined in section 3.

ESI shall be produced in a manner which is functionally useable by the subpoena issuer. The following are examples:

- AutoCAD data (e.g., *.DWG, *.DXF) shall be processed/converted and produced as single-page *.JPG image files and accompanied by a standard document review platform formatted load as described above. The native files shall be placed in a separate folder on the production media and linked by a hyperlink within the text load file.
- GIS data shall be produced in its native format and be accompanied by a viewer such that the mapping or other data can be reviewed in a manner that does not detract from its ability to be reasonably understood.
- Audio and video recordings shall be produced in native format and be accompanied by a viewer if such recordings do not play in a generic application (e.g., Windows Media Player).

Specifications for Production of ESI and Digitized Images

20. Bates Number Convention

All images should be assigned Bates numbers before production to the subpoena issuer. The numbers should be "endorsed" (or "burned in") on the actual images. Native files should be assigned a single Bates number for the entire file. The Bates number shall not exceed 30 characters in length and include an 8-digit number that includes leading zeros. The Bates number shall be a unique name/number common to each page (when assigned to an image) or to each document (when assigned to a native file). If the subpoena issuer agrees to a rolling production, the naming/numbering convention shall remain consistent throughout the entire production. There shall be no spaces between the prefix and numeric value. However, it is highly recommended that an underscore be used between any prefix and the digits of a Bates number. If suffixes are required, please use "dot notation." Below is a sample of dot notation:

PREFIX_00000001
PREFIX_00000001.001
PREFIX_00000001.002

PREFIX_00000003
PREFIX_00000003.001
PREFIX_00000003.002

21. Media Formats for Storage and Delivery of Production Data

Electronic documents and data shall be delivered on any of the following media:

- a. CD-ROMs and/or DVD-R (+/-) formatted to ISO/IEC 13346 and Universal Disk Format 1.02 specifications.
- b. External hard drives (USB 2.0 (or better) or eSATA, formatted to NTFS format specifications) or flash drives.
- c. Storage media used to deliver ESI shall be appropriate to the size of the data in the production.
- d. Media should be labeled with the case name, production date, Bates range, and producing party.

22. Virus Protection and Security for Delivery of Production Data

Production data shall be free of computer viruses. Any files found to include a virus shall be quarantined by the producing party and noted in a log to be provided to the subpoena issuer. Password protected or encrypted files or media shall be provided with corresponding passwords and specific decryption instructions. No encryption software shall be used without the prior written consent of the subpoena issuer.

23. Compliance and Adherence to Generally Accepted Technical Standards

Production shall be in conformance with standards and practices established by the National Institute of Standards and Technology ("NIST" at www.nist.gov), U.S. National Archives & Records Administration ("NARA" at www.archives.gov), American Records Management Association ("ARMA International" at www.arma.org), American National Standards Institute ("ANSI" at www.ansi.org), International Organization for Standardization ("ISO" at www.iso.org), and/or other U.S. subpoena issuer or professional organizations.

24. ReadMe Text File

All deliverables shall include a readme text file at the root directory containing: total number of records, total number of images/pages or files, mapping of fields to plainly identify field names, types, lengths and formats. The readme file shall also indicate the field name to which images will be linked for viewing, date and time format, and confirmation that the number of files in load files matches the number of files produced.

25. Exception Log

An Exception Log shall be included documenting any production anomalies utilizing the electronic Bates number (document ID or control numbering) assigned during the collection, processing and production phases.

EXHIBIT 2

From: [El-Amamy, Reema \(USACAC\)](#)
To: [Grant Gelberg](#)
Cc: [Catherine Thompson](#); [O'Neal, Stephanie O. \(LA\) \(FBI\)](#); [Jacobe, Maetha \(LA\) \(FBI\)](#)
Subject: RE: [EXTERNAL] FW: Misook Kim
Date: Monday, November 7, 2022 4:51:16 AM

Good morning:

I've produced to you some pre-indictment discovery so that you can get a sense of the government's criminal investigation. This pre-indictment discovery, combined with the civil litigation in WDNY, should give you a good sense of the government's investigation and potential charges. I anticipate obtaining more information regarding the trade secrets that were stolen, their valuation, as well as any classified information that was stolen and/or mishandled in the next two weeks. I'll begin working on drafting criminal charges in the next month or so.

I am interested in your client's cooperation against other individuals who participated in the scheme to steal trade secrets. After reviewing this information, please let me know if you would be prepared to give me an attorney proffer regarding any information your client would be willing and able to provide.

Reema M. El-Amamy | Assistant United States Attorney
Terrorism and Export Crimes Section, National Security Division
1500 United States Courthouse | 312 N. Spring St. | Los Angeles, California 90012
T: 213.894.0552 | F: 213.894.0142 | reema.el-amamy@usdoj.gov

From: Grant Gelberg <grant.gelberg@halpernmay.com>
Sent: Thursday, October 27, 2022 10:05 AM
To: El-Amamy, Reema (USACAC) <rel-amamy@usa.doj.gov>
Cc: Catherine Thompson <catherine.thompson@halpernmay.com>; O'Neal, Stephanie O. (LA) (FBI) <sooneal@fbi.gov>; Jacobe, Maetha (LA) (FBI) <MJACOB@fbi.gov>
Subject: Re: [EXTERNAL] FW: Misook Kim

Hi Reema – We're on the line. Let me know if you're having any technical issues; Teams can be persnickety sometimes.

From: El-Amamy, Reema (USACAC) <Reema.El-Amamy@usdoj.gov>
Date: Tuesday, October 25, 2022 at 1:03 PM
To: Grant Gelberg <grant.gelberg@halpernmay.com>
Cc: Catherine Thompson <catherine.thompson@halpernmay.com>, O'Neal, Stephanie O. (LA) (FBI) <sooneal@fbi.gov>, Jacobe, Maetha (NA Student-SA) (FBI) <MJACOB@fbi.gov>
Subject: Re: [EXTERNAL] FW: Misook Kim

That's fine. Please send a calendar invitation

On Oct 25, 2022, at 1:01 PM, Grant Gelberg <grant.gelberg@halpernmay.com> wrote:

Thanks, Reema. How about 10am on Thursday?

From: El-Amamy, Reema (USACAC) <Reema.El-Amamy@usdoj.gov>
Date: Tuesday, October 25, 2022 at 11:30 AM
To: Grant Gelberg <grant.gelberg@halpernmay.com>
Cc: Catherine Thompson <catherine.thompson@halpernmay.com>, O'Neal, Stephanie O. (LA) (FBI) <sooneal@fbi.gov>, Jacobe, Maetha (NA Student-SA) (FBI) <MJACOB@fbi.gov>
Subject: RE: [EXTERNAL] FW: Misook Kim

I am available all day tomorrow or in the morning on Thursday.

From: Grant Gelberg <grant.gelberg@halpernmay.com>
Sent: Tuesday, October 25, 2022 6:50 AM
To: El-Amamy, Reema (USACAC) <rel-amamy@usa.doj.gov>
Cc: Catherine Thompson <catherine.thompson@halpernmay.com>; O'Neal, Stephanie O. (LA) (FBI) <sooneal@fbi.gov>; Jacobe, Maetha (NA Student-SA) (FBI) <MJACOB@fbi.gov>
Subject: Re: [EXTERNAL] FW: Misook Kim

Reema,

Thank you for your email. Could we set up a time to discuss further? I'm flexible most days this week.

Best,
Grant

From: El-Amamy, Reema (USACAC) <Reema.El-Amamy@usdoj.gov>
Date: Monday, October 24, 2022 at 12:12 PM
To: Grant Gelberg <grant.gelberg@halpernmay.com>
Cc: Catherine Thompson <catherine.thompson@halpernmay.com>, O'Neal, Stephanie O. (LA) (FBI) <sooneal@fbi.gov>, Jacobe, Maetha (NA Student-SA) (FBI) <MJACOB@fbi.gov>
Subject: RE: [EXTERNAL] FW: Misook Kim

Good afternoon.

We are continuing to investigate your client for violations of Title 18, United States Code, Sections 371, 1832, and 2314, among other violations, and have continued to develop evidence against your client. As we mentioned previously, we would be

interested in potentially conducting a proffer of your client pursuant to a proffer letter. If that is something she is interested in, please let us know. We would be interested in other co-conspirators involved in the alleged criminal scheme.

**Reema M. El-Amamy | Assistant United States Attorney
Terrorism and Export Crimes Section, National Security Division**
1500 United States Courthouse | 312 N. Spring St. | Los Angeles, California 90012
T: 213.894.0552 | F: 213.894.0142 | reema.el-amamy@usdoj.gov

From: Grant Gelberg <grant.gelberg@halpernmay.com>
Sent: Monday, October 3, 2022 11:27 AM
To: El-Amamy, Reema (USACAC) <rel-amamy@usa.doj.gov>
Cc: Catherine Thompson <catherine.thompson@halpernmay.com>; Shaw, Robert (LA) (FBI) <RSHAW3@fbi.gov>
Subject: Re: [EXTERNAL] FW: Misook Kim

Hi Reema,

I hope all is well with you. Do you have some time to check in on Ms. Kim's matter? Please let us know some windows that are convenient for you and SA Shaw.

Best,
Grant

From: El-Amamy, Reema (USACAC) <Reema.El-Amamy@usdoj.gov>
Date: Tuesday, July 5, 2022 at 10:25 AM
To: Grant Gelberg <grant.gelberg@halpernmay.com>
Cc: Catherine Thompson <catherine.thompson@halpernmay.com>, Shaw, Robert (LA) (FBI) <RSHAW3@fbi.gov>
Subject: Re: [EXTERNAL] FW: Misook Kim

We are available at 3:30 today.

On Jul 5, 2022, at 10:14 AM, Grant Gelberg
<grant.gelberg@halpernmay.com> wrote:

Thanks, Reema. We're available from 3:30-5 today and open tomorrow after 10.

From: El-Amamy, Reema (USACAC) <Reema.El-Amamy@usdoj.gov>

Date: Tuesday, July 5, 2022 at 9:56 AM

To: Grant Gelberg <grant.gelberg@halpernmay.com>

Cc: Catherine Thompson <catherine.thompson@halpernmay.com>, Shaw, Robert (LA) (FBI) <RSHAW3@fbi.gov>

Subject: Re: [EXTERNAL] FW: Misook Kim

Please let us know your availability this afternoon and tomorrow

On Jul 5, 2022, at 9:43 AM, Grant Gelberg
<grant.gelberg@halpernmay.com> wrote:

Reema,

I hope all is well with you and that you had a good holiday weekend. My trial is now done so I have more availability. Please let Catherine and I know when you and SA Shaw have some time to discuss the matter and the issues you helpfully outlined, below.

Best,
Grant

Grant B. Gelberg
Halpern May Ybarra Gelberg LLP
550 S. Hope St., Suite 2330
Los Angeles, CA 90071
Main: (213) 402-1900
Direct: (213) 402-1940
Mobile: (213) 509-6067
Grant.Gelberg@halpernmay.com
www.halpernmay.com

From: El-Amamy, Reema (USACAC) <Reema.El-Amamy@usdoj.gov>

Date: Friday, June 24, 2022 at 5:16 PM

To: Catherine Thompson
<catherine.thompson@halpernmay.com>

Cc: Grant Gelberg <grant.gelberg@halpernmay.com>, Shaw, Robert (LA) (FBI) <RSHAW3@fbi.gov>

Subject: Re: [EXTERNAL] FW: Misook Kim

Thank you.

Yes, the subpoena response date is July 8 for your client.

We have received a portion of text messages that she previously engaged in that are responsive to the subpoena. We would like any similar text messages in her possession in response to our subpoena.

Your client has admitted to a third party witness who is able to testify under oath that she took non-public materials from Moog, kept them after the date she left, and worked with those materials with Mr. Pilkington when they were both employed by Skyryse.

The FBI case agent and I are available to speak to you and your co-counsel. We would also potentially be interested in your client's cooperation, and are interested in an attorney proffer.

On Jun 24, 2022, at 4:36 PM, Catherine Thompson
<catherine.thompson@halpernmay.com>
wrote:

Reema,

I work with Grant Gelberg at Halpern May, and our firm has been retained by Misook Kim in connection with the attached grand jury subpoena. We have been attempting to reach out to you regarding the subpoena this week, but I just realized that we have been using the incorrect email address.

I understand that you and Rachel Fiset entered an agreement during a telephone call to extend Ms. Kim's time to respond to the subpoena by two weeks. As such, we understand that Ms. Kim's deadline to respond to the subpoena is July 8. Please let us know if you disagree with this or have any questions.

Grant is currently in trial before Judge

Blumenfeld, but we would like to set up a time to talk with you once his trial is done.

Best,
Catherine

Catherine H. Thompson
Halpern May Ybarra Gelberg LLP
550 S. Hope St., Suite 2330
Los Angeles, CA 90071
Main: (213) 402-1900
Direct: (213) 402-1907
Catherine.Thompson@halpernmay.com
www.halpernmay.com

From: Catherine Thompson
<catherine.thompson@halpernmay.com>
Date: Friday, June 24, 2022 at 9:58 AM
To: Grant Gelberg
<grant.gelberg@halpernmay.com>,
"reema.el-amamy@usdoj.com" <reema.el-amamy@usdoj.com>
Subject: Re: Misook Kim

Reema,

We recently learned that you and Rachel Fiset entered an agreement during a telephone call to extend Ms. Kim's time to respond to the subpoena by two weeks. As such, we understand that Ms. Kim's deadline to respond to the subpoena is July 8. Please let us know if you disagree with this or have any questions.

Best,
Catherine

Catherine H. Thompson
Halpern May Ybarra Gelberg LLP
550 S. Hope St., Suite 2330
Los Angeles, CA 90071
Main: (213) 402-1900
Direct: (213) 402-1907
Catherine.Thompson@halpernmay.com
www.halpernmay.com

From: Catherine Thompson
<catherine.thompson@halpernmay.com>
Date: Thursday, June 23, 2022 at 8:34 AM
To: Grant Gelberg
<grant.gelberg@halpernmay.com>,
"reema.el-amamy@usdoj.com" <reema.el-amamy@usdoj.com>
Subject: Re: Misook Kim

Reema,

I'm following up on Grant's email from earlier this week. Grant is starting a trial today before Judge Blumenfeld, and as such, we would like to request a two-week extension to respond to the subpoena issued to Misook Kim. The current response date is June 24, and with the two-week extension, it becomes July 8.

Please let us know if you have any questions or if you would like to discuss further.

Best,
Catherine

Catherine H. Thompson
Halpern May Ybarra Gelberg LLP
550 S. Hope St., Suite 2330
Los Angeles, CA 90071
Main: (213) 402-1900
Direct: (213) 402-1907
Catherine.Thompson@halpernmay.com
www.halpernmay.com

From: Grant Gelberg
<grant.gelberg@halpernmay.com>
Date: Tuesday, June 21, 2022 at 11:11 AM
To: "reema.el-amamy@usdoj.com"
<reema.el-amamy@usdoj.com>
Cc: Catherine Thompson
<catherine.thompson@halpernmay.com>
Subject: Misook Kim

Reema,

My firm has been retained by Misook Kim in connection with the attached grand jury subpoena. Do you have some time to talk today?

Best,
Grant

Grant B. Gelberg
[Halpern May Ybarra Gelberg LLP](#)
550 S. Hope St., Suite 2330
Los Angeles, CA 90071
Main: (213) 402-1900
Direct: (213) 402-1940
Mobile: (213) 509-6067
Grant.Gelberg@halpernmay.com
www.halpernmay.com

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This email has been scanned for viruses and malware, and may have been automatically archived by Mimecast, a leader in email security and cyber resilience. Mimecast integrates email defenses with brand protection, security awareness training, web security, compliance and other essential capabilities. Mimecast helps protect large and small organizations from malicious activity, human error and technology failure; and to lead the movement toward building a more resilient world. To find out more, visit our website.

<Misook's Grand Jury Subpoena[58][1].pdf>

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EXHIBIT 3

AO 110 (Rev. 06/09) Subpoena to Testify Before a Grand Jury

UNITED STATES DISTRICT COURT

for the
CENTRAL DISTRICT OF CALIFORNIA

TO: Custodian of Records
IDiscovery Solutions
535 Anton Blvd., Suite 860
Costa Mesa, CA 92626

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

SUBPOENA FOR:

☐ Person

☒ Document(s) or Object(s)

YOU ARE COMMANDED to appear in this United States District Court at the time, date, and place shown below to testify before the Court's Grand Jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

PLACE:

**RONALD REAGAN FEDERAL BUILDING AND
UNITED STATES COURTHOUSE
411 WEST FOURTH STREET, SUITE 8000
SANTA ANA, CALIFORNIA 92701**

COURTROOM:

Room 8110

DATE AND TIME:

March 15, 2023 at 9:30 AM

☒ You must also bring with you the following documents, electronically stored information, or objects:

See Attachment

CLERK OF COURT:

Kiry K. Gray

By Kiry K. Gray, Clerk of the Court



DATE:

February 27, 2023

This subpoena is issued on application
of the United States of America

E. MARTIN ESTRADA
United States Attorney

Mark Takla
Assistant United States Attorney
United States Courthouse
411 West Fourth Street, Suite 8000
Santa Ana, California 92701
Telephone: (714) 338-3591 Call# R 23 05634 2022R00901

Special Agent: Stephanie O'Neal
Telephone: (310) 996-5105
sooneal@fbi.gov

Note: An agent of the Federal Bureau of Investigation will deliver the above-mentioned document(s) or object(s) to the Grand Jury should you desire to volunteer them to the Grand Jury in advance of the date indicated above.

IDiscovery Solutions
Attn: Custodian of Records
535 Anton Blvd., Suite 860
Costa Mesa, CA 92626

ATTACHMENT TO GRAND JURY SUBPOENA

A. Provide a list of any and all electronic devices (laptops, computers, USB devices, etc.) in your possession regarding civil case Moog, Inc. vs Skyrise Inc. Please include:

1. Digital device identifiers (Type, Make/Model, Serial Number)
2. Disk size
3. Producing Party

B. Any reports or logs showing date of receipt by IDS, custody and control, handling individual(s), and storage of physical devices.

C. Provide a list of forensic images in your possession regarding civil case Moog, Inc. vs Skyrise Inc. Please include:

1. Digital device identifiers (Type, Make/Model, Serial Number)
2. Disk size
3. Producing Party
4. Name and title of forensic examiner who imaged device
5. Date device was imaged
6. Indicate type of forensic image (physical, logical, or targeted collection)
7. For targeted/logical collections please provide parameters, if applicable, files and folders.
8. Provide third party tool used to create image

D. Identify any digital devices repurposed by IDS and procedure used.

PRIVILEGES

If a document demanded by this subpoena is withheld under a claim of privilege, or is otherwise withheld, provide the following information regarding the record: (1) its date; (2) the name and title of its author(s); (3) the name and title of each person to whom it was addressed, distributed and disclosed; (4) the number of pages; (5) an identification of any attachments or appendices; (6) a description of its subject

matter; (7) its present location and the name of its present custodian; (8) the paragraph of this subpoena to which it is responsive; and (9) the nature of the claimed privilege or other reason the document is withheld.

Please direct all inquiries regarding this subpoena to:

SA Stephanie O'Neal
Federal Bureau of Investigation
11000 Wilshire Blvd, Suite 1700
Los Angeles CA 90024
Email: sooneal@fbi.gov



United States Department of Justice

United States Attorney's Office Central District of California

Mark Takla
Phone: (714) 338-3591
E-mail: Mark.Takla@usdoj.gov

United States Courthouse
411 West Fourth Street, Suite 8000
Santa Ana, California 92701

February 27, 2023

Custodian of Records
IDiscovery Solutions
535 Anton Blvd., Suite 860
Costa Mesa, CA 92626

Re: Federal Grand Jury Subpoena

Dear Sir or Madam:

The enclosed subpoena has been issued in connection with an official criminal investigation being conducted by the Federal Bureau of Investigation. The subpoena requires that a custodian of records from your business appear before the grand jury and produce the records described in the subpoena on the date and at the time specified on the subpoena.

As a convenience to you, you can produce the demanded documents by mail or in person to Special Agent Stephanie O'Neal of the Federal Bureau of Investigation, who will deliver the requested documents to the grand jury. If you would like to do so in order to avoid a personal appearance, you must (a) deliver or mail the documents so that they are received in advance of the date specified on the subpoena; and (b) have an appropriate custodian of records from your business fill in the declaration enclosed with this letter. Unless you comply with both of those requirements, a custodian of records must appear in person to produce the documents. If you choose to mail the records, please send them to the following address:

Special Agent Stephanie O'Neal
Federal Bureau of Investigation
11000 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90024

Please ensure that any electronically stored information complies with the production specifications in the attached document. Please do not deliver or mail any of the subpoenaed documents to the United States Attorney's Office.

In any correspondence with our Office regarding production of materials or reimbursement of costs, it is important that you include the unique subpoena identifying number. That number is listed as either the Call Number, found on the bottom right of the subpoena, or the Tracking Number, found on the top left of the OBD- 211 invoice.

IDiscovery Solutions
RE: Federal Grand Jury Subpoena
February 27, 2023
Page 2

Because this subpoena relates to an ongoing criminal investigation, we request that you not disclose the existence of or compliance with the subpoena. Premature disclosure could impede the investigation. We request that you give us advance notice if you plan to disclose the existence of or compliance with the subpoena.

If you have any other questions regarding compliance with this subpoena, please call me at (714) 338-3591 or Special Agent Stephanie O'Neal at (310) 996-5105.

Very truly yours,

A handwritten signature in black ink that reads "Mark Takla". The signature is written in a cursive, slightly slanted style.

Mark Takla
Assistant United States Attorney

Enc.

DECLARATION OF CUSTODIAN CERTIFYING BUSINESS RECORD

I, _____, hereby declare as follows:
(name)

1. I am a duly authorized custodian of records for _____ (the "Business Entity"). In that capacity, I am knowledgeable about the matters set forth herein and I am qualified and authorized to make this declaration.

a. My job title/position is:

b. I have been employed in this capacity for

_____ and by the Business Entity for _____.
(duration) (duration)

c. My job duties are:

d. I am knowledgeable about the matters set forth herein and the relevant record-keeping practices of the Business Entity based upon (check all that apply):

- ☐ Training.
- ☐ Familiarity with relevant policy/policies.
- ☐ Hands-on experience.
- ☐ Supervision of one or more others with hands-on experience.
- ☐ Other. Describe:

2. Attached hereto or enclosed herewith are *originals/true and correct duplicates* of a record or records of a regularly conducted activity of the Business Entity named above.

(Circle either "originals" or "true and correct duplicates" and strike out the other term.)

3. I certify that the attached record(s):

a. was/were made at or near the time of the occurrence of the matters set forth therein,

b. was/were made by, or from information transmitted by, a person with knowledge of those matters;

c. was/were kept in the course of the regularly conducted activity of the Business Entity;

d. was/were made by and in the course of the regularly conducted activity as a regular practice;

e. if not original records, are exact duplicates of original records.

I declare under penalty of perjury that the foregoing is true and correct. This declaration is executed at _____,

(place document was signed)

on _____.

(date document was signed)

(signature)

(typed or printed name)

Specifications for Production of ESI and Digitized Images

This document describes the technical requirements for the collection and production of paper and electronically stored information ("ESI"). Careful consideration should be given to the methodology, implementation and documentation of ESI collection to ensure that all responsive data and metadata are preserved in the collection process.

1. Specification Modifications

Any modifications or deviations from these Specifications may be done only with the express permission of the subpoena issuer. Any responsive data or documents that exist in locations or native forms not discussed in these Specifications remain responsive and, therefore, arrangements should be made with the subpoena issuer to facilitate their production.

2. Production Format of ESI and Imaged Hard Copy

Responsive ESI and imaged hard copy shall be produced in the format outlined below. All ESI, except as outlined below in sections 9-19, shall be rendered to type TIFF image format and accompanied by a document review platform cross reference file as set forth in section 2(b) below. All applicable metadata (see section 3 below) shall be extracted and provided in a standard document review platform load file format as set forth in section 2(c) below.

a. **Image File Format:** All images, paper documents scanned to images, or rendered ESI shall be produced as fully searchable 300 dpi single-page TIFF files, CCITT Group IV (2D Compression). Documents should be uniquely and sequentially Bates numbered with an endorsement burned into each image.

- All TIFF file names shall include the unique Bates number burned into the image.
- Each Bates number shall be a standard length of eight or more digits, include leading zeros in the number, and be unique for each produced page.
- All TIFF image files shall be stored with the ".TIF" extension.
- Images shall be OCR'd using a standard COTS products.
- All pages of a document or all pages of a collection of documents that comprise a folder or other logical grouping, including a box, shall be delivered on a single piece of media.
- No image folder shall contain more than 10,000 images.
- The entire file path, including the complete file name, shall not exceed 175 characters.

b. **Document Review Platform Cross Reference file:** Images should be accompanied by an Image Cross Reference file that associates each Bates number with its corresponding single-page TIFF image file. The Cross Reference file should also contain the image file path for each Bates numbered page. Image Cross Reference Sample Format:

```
IM,ABC00000001,D,0,@VOL_001;IMAGES\00\001; ABC00000001.tif;2,0
IM,ABC00000001,D,0,@VOL_001;IMAGES\00\001; ABC00000001.tif;2,0
IM,ABC00000001,C,0,@VOL_001;IMAGES\00\001; ABC00000001.tif;2,0
IM,ABC00000001, ,0,@VOL_001;IMAGES\00\001; ABC00000001.tif;2,0
IM,ABC00000001, ,0,@VOL_001;IMAGES\00\001; ABC00000001.tif;2,0
IM,ABC00000001,D,0,@VOL_001;IMAGES\00\001; ABC00000001.tif;2,0
```

c. **Document Review Platform Load File:** Images should also be accompanied by a "text load file" containing delimited text that will populate fields in a searchable, flat database environment. The file should contain the required fields listed below in section 3.

- ASCII text delimited load files are defined using the following delimiters:

<i>Field Separator</i>	¶	or Code 020
<i>Text Qualifier</i>	p	or Code 254
<i>Substitute Carriage Return or New Line</i>	®	or Code 174

- The text file should also contain hyperlinks to applicable native files, such as Excel, PowerPoint, audio, or video files.
- There should be one line for every record in a collection.
- The load file must contain a field map/key listing the metadata/database fields in the order they appear within the data file. For example, if the data file consists of a First Page of a Record (starting Bates), Last Page of a Record (ending Bates), Document ID, Document Date, File Name, and a Title, then the structure may appear as follows:

Specifications for Production of ESI and Digitized Images

pbEGDOCpbENDDOCpbDOCIDpbDOCDATEpbFILENAMEpbTITLEp

- The extracted/OCR text for each document should be provided as a separate single text file. The file name should match the BEGDOC# or DOCID for that specific record and be accompanied by the *.TXT extension.
- Text files shall not be provided in the same folder as the TIFF images.

3. Required Metadata/Database Fields

The metadata of ESI should be extracted and provided in a *.DAT file using the field definitions and formatting described below:

- A "✓" denotes that the indicated field should be present in the load file produced.
- "Other ESI" includes non-e-mail or hard copy documents, including but not limited to data discussed in sections 6-9 and 12-19 below.

Field name	Field Description	Field Type	Field Value	Hard Copy	E-Mail	Other ESI
COMPANY	Company/Organization submitting data	Full Text	Unlimited	✓	✓	✓
BOX#	Submission/volume/box number	Note Text	10	✓	✓	✓
CUSTODIAN	Custodian(s)/Source(s) [Format: Last, First or ABC Dept.]	Multi-Entry	Unlimited	✓	✓	✓
AUTHOR	Creator of the document	Note Text	160			✓
BEGDOC#	Start Bates (including prefix) - No spaces	Note Text	60	✓	✓	✓
ENDDOC#	End Bates (including prefix) - No spaces	Note Text	60	✓	✓	✓
DOCID	Unique document Bates number or populate with the same value as Start Bates (DOCID = BEGDOC#)	Note Text	60	✓	✓	✓
PGCOUNT	Page Count	Integer	10	✓	✓	✓
PARENTID	Parent's DOCID or Parent's Start Bates (for EVERY document including all Child documents)	Note Text	60	✓	✓	✓
ATTACHIDs	Child document list; Child DOCID or Child Start Bates	Multi-Entry	60	✓	✓	✓
ATTACHLIST	List of Attachment Bates numbers	Multi-Entry	Unlimited		✓	✓
BEGATTACH	Start Bates of first attachment	Note Text	60	✓	✓	✓
ENDATTACH	End Bates of last attachment	Note Text	60	✓	✓	✓
PROPERTIES	Privilege notations (e.g., Redacted, Document Withheld Based on Privilege)	Multi-Entry	Unlimited	✓	✓	✓
RECORD TYPE	File, E-mail, Attachment, or Hard Copy	Note Text	60	✓	✓	✓
FROM	Author [Format: Last name, First name]	Note Text	160		✓	✓
TO	Recipient [Format: Last name, First name]	Multi-Entry	Unlimited		✓	✓
CC	Carbon Copy Recipients [Format: Last name, First name]	Multi-Entry	Unlimited		✓	✓
BCC	Blind Carbon Copy Recipients [Format: Last name, First name]	Multi-Entry	Unlimited		✓	✓

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Field name	Field Description	Field Type	Field Value	Hard Copy	E-Mail	Other ESI
SUBJECT	Subject/Document Title	Note Text	Unlimited		✓	✓
CONVINDE	E-mail system ID used to track replies, forwards, etc.	Note Text	Unlimited		✓	
DOCDATE	Document Date/Date Sent [Format: YYYY/MM/DD]	Date Keyed	YYYY/MM/DD			✓
BODY	E-mail body, Other Electronic Document Extracted text, or OCR	Full Text	Unlimited	✓	✓	✓
TIMESENT	Time e-mail was sent	Time	10		✓	
DATECRTD	Date Created	Date	YYYY/MM/DD		✓	✓
DATESVD	Date Saved	Date	YYYY/MM/DD		✓	✓
DATEMOD	Date Last Modified	Date Keyed	YYYY/MM/DD		✓	✓
DATERCVD	Date Received	Date	YYYY/MM/DD		✓	
DATEACCD	Date Accessed	Date	YYYY/MM/DD		✓	✓
FILESIZE	File Size	Note Text	10			✓
FILENAME	File name - name of file as it appeared in its original location	Full Text	Unlimited			✓
APPLICATION	Application used to create native file (e.g., Excel, Outlook, Word)	Note Text	160		✓	✓
FILE EXTENSION	Extension for the file (e.g., *.DOCX; *.XLS)	Note Text	10		✓	✓
FILEPATH	Data's original source full folder path	Full Text	Unlimited		✓	✓
NATIVELINK	Current file path location to the native file	Full Text	Unlimited		✓	✓
FOLDERID	E-mail folder path (e.g., Inbox\Active) or Hard Copy container information (e.g., Folder or binder name)	Full Text	Unlimited	✓	✓	
PARAGRAPH	Subpoena/request paragraph number to which the document is responsive	Multi-Entry	Unlimited	✓	✓	✓
HASH	Hash value (used for deduplication or other processing) (e-mail hash values must be run with the e-mail and all of its attachments)	Note Text	Unlimited		✓	✓
MESSAGEHEADER	E-mail header. Can contain IP address	Full Text	Unlimited		✓	
ATTACHMCOUNT	Number of attachments to an e-mail	Note Text	10		✓	
FILETYPE	Identifies the application that created the file	Note Text	160		✓	✓
COMMENTS	Identifies whether the document has comments associated with it	Note Text	10		✓	✓

4. **De-duplication, Near-Duplicate Identification, E-mail Conversation Threading, and Other Culling Procedures**
De-duplication of exact copies within a custodian's data may be done, but all "filepaths" must be provided for each duplicate document. The recipient shall not use any other procedure to cull, filter, group, separate or de-duplicate

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(i.e., reduce the volume of) responsive material before discussing with and obtaining the written approval of the subpoena issuer. All objective coding (e.g., near dupe ID or e-mail thread ID) shall be discussed and produced to the subpoena issuer as additional metadata fields.

5. Hidden Text

All hidden text (e.g., track changes, hidden columns, mark-ups, notes) shall be expanded and rendered in the image file. For files that cannot be expanded the native files shall be produced with the image file.

6. Embedded Files

All non-graphic embedded objects (e.g., Word documents, Excel spreadsheets, *.WAV files) that are found within a file shall be extracted and produced. For purposes of production the embedded files shall be treated as attachments to the original file, with the parent/child relationship preserved.

7. Image-Only Files

All image-only files (i.e., non-searchable PDFs, multi-page TIFFs, Snipping Tool and other screenshots, as well as all other images that contain text) shall be produced with associated OCR text and metadata/database fields identified in section 3 for "Other ESI."

8. Hard Copy Records

- a. All hard copy material shall reflect accurate document unitization including all attachments and container information (to be reflected in the PARENTID, ATTACHID, BEGATTACH, ENDATTACH and FOLDERID). Unitization in this context refers to identifying and marking the boundaries of documents within the collection, where a document is defined as the smallest physical fastened unit within a bundle (e.g., staples, paper clips, rubber bands, folders, or tabs in a binder). The first document in the collection represents the parent document and all other documents represent the children.
- b. All documents shall be produced in black and white TIFF format unless the image requires color. An image "requires color" when color in the document adds emphasis to information in the document or is itself information that would not be readily apparent on the face of a black and white image. Images identified as requiring color shall be produced as color 300 dpi single-page JPEG files.
- c. All objective coding (e.g., document date or document author) should be discussed and produced to the subpoena issuer as additional metadata/database fields.

9. Production of Spreadsheets and Presentation Files

All spreadsheet and presentation files (e.g., Excel, PowerPoint) shall be produced in the unprocessed "as kept in the ordinary course of business" state (i.e., in native format). See section 18 below. The file produced should maintain the integrity of all source, custodian, application, embedded and related file system metadata. No alteration shall be made to file names or extensions for responsive native electronic files.

10. Production of E-mail Repositories

E-mail repositories, also known as e-mail databases (e.g., Outlook *.PST, Lotus *.NSF), can contain a variety of items, including: messages, calendars, contacts, tasks. For purposes of production, responsive items shall include the "E-mail" metadata/database fields outlined in section 3, including but not limited to all parent items (mail, calendar, contacts, tasks, notes, etc.) and child files (attachments of files to e-mail or other items) with the parent/child relationship preserved. E-mail databases from operating systems other than Microsoft Exchange shall be produced after consultation with and written consent of the subpoena issuer about the format for the production of such databases.

11. Production of Items Originally Generated in E-Mail Repositories But Found and Collected Outside of E-mail Repositories, i.e., "Stand-alone" Items

Any parent e-mail or other parent items (e.g., calendar, contacts, tasks, notes) found and collected outside of e-mail repositories (e.g., items having extensions like *.MSG, *.HTM, *.MHT), shall be produced items with the "E-mail" metadata fields outlined in section 3, including but not limited to any attachments, maintaining the family (parent/child) relationship.

Specifications for Production of ESI and Digitized Images

12. Production of Instant Messenger (IM), Voicemail Data, Audio Data, Video Data, etc.

The responding party shall identify, collect, and produce any and all data which is responsive to the requests which may be stored in audio or video recordings, cell phone/PDA/Blackberry/smart phone data, tablet data, voicemail messaging data, instant messaging, text messaging, conference call data, video/audio conferencing (e.g., GoTo Meeting, WebEx), and related/similar technologies. However, such data, logs, metadata or other files related thereto, as well as other less common but similar data types, shall be produced after consultation with and written consent of the subpoena issuer about the format for the production of such data.

13. Social Media

Prior to any production of responsive data from social media (e.g., Twitter, Facebook, Google+, LinkedIn) the producing party shall first discuss with the subpoena issuer the potential export formats before collecting the information.

14. Productions of Structured Data

Prior to any production of responsive data from a structured database (e.g., Oracle, SAP, SQL, MySQL, QuickBooks), the producing party shall first provide the database dictionary and a list of all reports that can be generated from the structured database. The list of reports shall be provided in native Excel (*.XLS) format.

15. Productions of Structured Data from Proprietary Applications

Prior to any production of structured data from proprietary applications (e.g., proprietary timekeeping, accounting, sales rep call notes, CRMs, SharePoint) the producing party shall first provide the database dictionary and a list of all reports that can be generated from the structured database. The list of reports shall be produced in native Excel (*.XLS) format.

16. Production of Photographs with Native File or Digitized ESI

Photographs shall be produced as single-page JPEG files with a resolution equivalent to the original image as it was captured/created. All JPEG files shall have extracted metadata/database fields provided in a standard document review platform load file format as outlined in section 3 for "Other ESI."

17. Images from which Text Cannot be OCR Converted

An exception report shall be provided when limitations of paper digitization software/hardware or attribute conversion do not allow for OCR text conversion of certain images. The report shall include the electronic Bates, Document ID or Bates number(s) corresponding to each such image.

18. Format of ESI from Non-PC or Non-Windows-based Systems

If responsive ESI is in non-PC or non-Windows-based Systems (e.g., Apple, IBM mainframes, UNIX machines), the ESI shall be produced after discussion with and written consent of the subpoena issuer about the format for the production of such data.

19. Production of Native Files (When Applicable Pursuant to These Specifications)

Productions of native files as called for in these Specifications shall have extracted metadata/database fields provided in the standard document review platform load file format as defined in the field specifications for "Other ESI" as outlined in section 3.

ESI shall be produced in a manner which is functionally useable by the subpoena issuer. The following are examples:

- AutoCAD data (e.g., *.DWG, *.DXF) shall be processed/converted and produced as single-page *.JPG image files and accompanied by a standard document review platform formatted load as described above. The native files shall be placed in a separate folder on the production media and linked by a hyperlink within the text load file.
- GIS data shall be produced in its native format and be accompanied by a viewer such that the mapping or other data can be reviewed in a manner that does not detract from its ability to be reasonably understood.
- Audio and video recordings shall be produced in native format and be accompanied by a viewer if such recordings do not play in a generic application (e.g., Windows Media Player).

Specifications for Production of ESI and Digitized Images

20. Bates Number Convention

All images should be assigned Bates numbers before production to the subpoena issuer. The numbers should be "endorsed" (or "burned in") on the actual images. Native files should be assigned a single Bates number for the entire file. The Bates number shall not exceed 30 characters in length and include an 8-digit number that includes leading zeros. The Bates number shall be a unique name/number common to each page (when assigned to an image) or to each document (when assigned to a native file). If the subpoena issuer agrees to a rolling production, the naming/numbering convention shall remain consistent throughout the entire production. There shall be no spaces between the prefix and numeric value. However, it is highly recommended that an underscore be used between any prefix and the digits of a Bates number. If suffixes are required, please use "dot notation." Below is a sample of dot notation:

PREFIX_00000001	PREFIX_00000003
PREFIX_00000001.001	PREFIX_00000003.001
PREFIX_00000001.002	PREFIX_00000003.002

21. Media Formats for Storage and Delivery of Production Data

Electronic documents and data shall be delivered on any of the following media:

- a. CD-ROMs and/or DVD-R (+/-) formatted to ISO/IEC 13346 and Universal Disk Format 1.02 specifications.
- b. External hard drives (USB 2.0 (or better) or eSATA, formatted to NTFS format specifications) or flash drives.
- c. Storage media used to deliver ESI shall be appropriate to the size of the data in the production.
- d. Media should be labeled with the case name, production date, Bates range, and producing party.

22. Virus Protection and Security for Delivery of Production Data

Production data shall be free of computer viruses. Any files found to include a virus shall be quarantined by the producing party and noted in a log to be provided to the subpoena issuer. Password protected or encrypted files or media shall be provided with corresponding passwords and specific decryption instructions. No encryption software shall be used without the prior written consent of the subpoena issuer.

23. Compliance and Adherence to Generally Accepted Technical Standards

Production shall be in conformance with standards and practices established by the National Institute of Standards and Technology ("NIST" at www.nist.gov), U.S. National Archives & Records Administration ("NARA" at www.archives.gov), American Records Management Association ("ARMA International" at www.arma.org), American National Standards Institute ("ANSI" at www.ansi.org), International Organization for Standardization ("ISO" at www.iso.org), and/or other U.S. subpoena issuer or professional organizations.

24. ReadMe Text File

All deliverables shall include a readme text file at the root directory containing: total number of records, total number of images/pages or files, mapping of fields to plainly identify field names, types, lengths and formats. The readme file shall also indicate the field name to which images will be linked for viewing, date and time format, and confirmation that the number of files in load files matches the number of files produced.

25. Exception Log

An Exception Log shall be included documenting any production anomalies utilizing the electronic Bates number (document ID or control numbering) assigned during the collection, processing and production phases.

EXHIBIT 4

Subject: [EXTERNAL] RE: Moog v. Skyrise - Service Request
Date: Tuesday, March 7, 2023 at 7:38:17 PM Eastern Standard Time
From: Maetha Jacobe
To: Grant Gelberg, Catherine Thompson
Attachments: Kim_Pres_Req.pdf

Mr. Gelberg,

Thank you for confirming. Attached is a preservation request to your client Misook Kim. Please let me know if you have any issues opening or downloading the file.

Thank you,
Mae Jacobe

From: Grant Gelberg <grant.gelberg@halpernmay.com>
Sent: Tuesday, March 7, 2023 11:13 AM
To: Jacobe, Maetha (LA) (FBI) <MJACOB@fbi.gov>; Catherine Thompson <catherine.thompson@halpernmay.com>
Subject: [EXTERNAL EMAIL] - Re: Moog v. Skyrise - Service Request

Understood, thank you. Yes, I can accept service.

Best,
Grant

From: Maetha Jacobe <MJACOB@fbi.gov>
Date: Tuesday, March 7, 2023 at 11:09 AM
To: Grant Gelberg <grant.gelberg@halpernmay.com>, Catherine Thompson <catherine.thompson@halpernmay.com>
Subject: [EXTERNAL] RE: Moog v. Skyrise - Service Request

Hello Mr. Gelberg,

We intend to serve some legal requests. Please let me know if you will accept service of the documents.

Thank you!
Mae Jacobe

From: Grant Gelberg <grant.gelberg@halpernmay.com>
Sent: Tuesday, March 7, 2023 11:00 AM
To: Jacobe, Maetha (LA) (FBI) <MJACOB@fbi.gov>; Catherine Thompson <catherine.thompson@halpernmay.com>
Subject: [EXTERNAL EMAIL] - Re: Moog v. Skyrise - Service Request

SA Jacobe,

Thanks for reaching out. Can you tell me a bit more what these documents are? I'm happy to discuss by

phone if that's easier. I'm at 626.234.8050.

Best,
Grant

From: Maetha Jacobe <MJACOB@fbi.gov>
Date: Tuesday, March 7, 2023 at 10:51 AM
To: Grant Gelberg <grant.gelberg@halpernmay.com>, Catherine Thompson <catherine.thompson@halpernmay.com>
Subject: [EXTERNAL] Moog v. Skyrise - Service Request

Mr. Gelberg,

Please advise whether you will accept service of documents related to the Moog v. Skyrise suit on behalf of your client Misook Kim.

Thank you,
Mae Jacobe

Special Agent Maetha Jacobe
FBI Los Angeles Field Office | CI-7
Desk (310)996-5111
Cell (703)609-2536

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